

# STATE OF NEW YORK

72--A

Cal. No. 130

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. PAULIN, GALEF, GOTTFRIED, PICHARDO, TITONE, ZEBROWSKI, McDONOUGH, MURRAY, RAIA, WEPRIN -- Multi-Sponsored by -- M. of A. COOK, DAVILA, MAGEE, RA -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law, in relation to the care of animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs (e), (g) and (h) of subdivision 1 of section 401 of the agriculture and markets law, paragraphs (e) and (g) as added by chapter 259 of the laws of 2000, and paragraph (h) as added by chapter 110 of the laws of 2012, are amended to read as follows:

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal. Animal areas must be provided with regular diurnal light cycles of either natural or artificial light.

(g) In the event that a pet dealer has a pregnant or nursing dog on his or her premises, the pet dealer shall provide a whelping box for such dog. Separate and apart from the whelping box, a pet dealer shall provide a pregnant or nursing dog with a separate space accessible to her that complies with the standards set forth in paragraph (b) of this subdivision. Each nursing dog shall be provided with a sufficient amount of floor space to nurse and care for her litter.

(h) Pet dealers shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 location of such designated area must be such as to prevent or reduce  
2 the spread of disease to healthy animals and must otherwise meet all  
3 housing requirements of this section.

4 § 2. Subdivision 2 of section 401 of the agriculture and markets law,  
5 as added by chapter 259 of the laws of 2000, is amended to read as  
6 follows:

7 2. Sanitation. Housing facilities, including primary enclosures and  
8 cages, shall be kept in a clean condition in order to maintain a healthy  
9 environment for the animal. This shall include removing and destroying  
10 any agents injurious to the health of the animal and periodic cleanings.  
11 Primary enclosures must be cleaned daily and sanitized at least once  
12 every two weeks by washing all soiled surfaces with appropriate deter-  
13 gent solutions and disinfectant or by using a combination detergent or  
14 disinfectant product that accomplishes the same purpose with a thorough  
15 cleaning of the surfaces to remove excreta, feces, hair, dirt, debris  
16 and food waste to permit effective sanitization, followed by a clean  
17 water rinse. The primary enclosure or cage shall be constructed so as to  
18 eliminate excess water, excretions, and waste material. Under no circum-  
19 stances shall the animal remain inside the primary enclosure or cage  
20 while it is being cleaned with sterilizing agents or agents toxic to  
21 animals or cleaned in a manner likely to threaten the health and safety  
22 of the animal. Trash and waste products on the premises shall be proper-  
23 ly contained and disposed of so as to minimize the risks of disease,  
24 contamination, and vermin.

25 § 3. Paragraph (c) of subdivision 3 of section 401 of the agriculture  
26 and markets law, as added by chapter 259 of the laws of 2000, is amended  
27 to read as follows:

28 (c) [~~Feed~~] Sanitary food receptacles shall be provided in sufficient  
29 number, of adequate size, and so located as to enable each animal in the  
30 primary enclosure or cage to be supplied with an adequate amount of  
31 food.

32 § 4. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 5 of  
33 section 401 of the agriculture and markets law, as added by chapter 110  
34 of the laws of 2012, are amended and a new subparagraph (vi) is added to  
35 read as follows:

36 (iv) Adequate guidance to personnel involved in the care and use of  
37 animals regarding handling and immobilization; [~~and~~]

38 (v) Pre-procedural and post-procedural care in accordance with estab-  
39 lished veterinary medical and nursing procedures[~~+~~]; and

40 (vi) In the case of dealers who sell or offer to sell twenty-five or  
41 more dogs or cats per year to the public for profit that are born and  
42 raised on the dealer's residential premises, annual veterinary examina-  
43 tions, at a minimum, for all intact adult dogs or cats on such dealer's  
44 premises.

45 § 5. Section 401 of the agriculture and markets law is amended by  
46 adding a new subdivision 8 to read as follows:

47 8. Grooming. All animals shall be groomed regularly to prevent exces-  
48 sive matting of fur, overgrown toenails and flea and tick infestation.

49 § 6. This act shall take effect on the ninetieth day after it shall  
50 have become a law. Effective immediately, the addition, amendment and/or  
51 repeal of any rule or regulation necessary for the implementation of  
52 this act on its effective date are authorized to be made and completed  
53 on or before such effective date.